

FILED
DEC 20 2013
TINA LEARY
Van Buren County Clerk

STATE OF MICHIGAN

IN THE 7TH DISTRICT COURT FOR VAN BUREN COUNTY

THE PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

Case No. 09-016654-FC
Hon. Arthur H. Clarke III

v.

LINDA KAY STERMER,

Defendant-Appellant,

Attorney for Plaintiff-Appellee

Eric Jenkins (P77863)
Van Buren County Assistant Prosecutor
212 E Paw Paw St., Suite 102
Paw Paw, MI 49079
269-657-8236

Attorney for Defendant-Appellant

Michael B. Skinner (P62564)
27 East Flint Street
Lake Orion, MI 48362
248-693-4100

NOTICE OF PROSECUTOR'S INTENT TO RESPOND TO DEFENDANT'S 6.500

MOTION IF ORDERED BY JUDGE

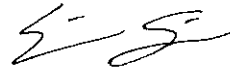
The People of the State of Michigan, by and through Eric Jenkins, assistant prosecuting attorney for Van Buren County, submit that the Defendant, Linda Kay Stermer has obtained appointed counsel and has been granted time by this court to amend her previously filed 6.500 motion. The People submit that this office has been made aware of this action on the part of the Defendant. Furthermore, the People submit that pursuant to MCR 6.500 *et seq.*, the proper procedure in this case is as follows:

1. The Defendant must submit a 6.500 motion to the court in its proper form and following the proper procedures as set out by MCR 6.500 *et seq.*
2. Once this court has received the Defendant's 6.500 motion, the court can make a decision whether to dismiss the Defendant's motion pursuant to MCR 6.504(B)(2) or, in the alternative, if the court finds that the issues presented in the Defendant's motion have merit, the court shall order the prosecutor to file a response pursuant to MCR 6.504(B)(4).
3. If the prosecution is ordered by this court to file a response, the court shall give the prosecutor a minimum of 56 days to file a response. MCR 6.506(A).

The People would ask that this court take notice that as of the date of this filing no such order has been given to the Van Buren County Prosecutor's office in regards to the Defendant's 6.500 motion. This office is ready and able to respond to the Defendant's motion should it be ordered to do so, but at this time, no such order has been given to this office.

Therefore, because the court has not yet ordered the prosecutor to respond to the Defendant's 6.500 motion, this office would ask that it be noted that the minimum 56 day time period allotted for a response has not begun and until such order is presented to the prosecutor's office, it is under no duty to initiate a response in this matter.

12/20/13
Date



Eric Jenkins (P77863)
Assistant Prosecutor